

BEFORE THE
Federal Communications Commission

WASHINGTON, DC 20554

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MAR 25 1996
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In Re Applications of) WT Docket No. 96-41
LIBERTY CABLE CO., INC.)
) File Nos.
)
For Private Operational Fixed) 708777 (WNTT370)
Microwave Service Authorizations and) 708778, 713296 (WNTM210)
Modifications) 708779 (WNTM385)
) 708780 (WNTT555)
New York, New York) 708781, 709426, 711937 (WNTM212)
) 709332 (NEW)
) 712203 (WNTW782)
) 712218 (WNTY584)
) 712219 (WNTY605)
) 713295 (WNTX889)
) 713300 (NEW)
) 717325 (NEW)

To: Administrative Law Judge Richard L. Sippel

JOINT REPORT PURSUANT TO PREHEARING CONFERENCE ORDER

Pursuant to the Prehearing Conference Order in the above-referenced proceeding released on March 15, 1996 (FCC 96M-36), the following joint written report is submitted to summarize the results of the teleconference among the Acting Chief, Wireless Telecommunications Bureau ("Bureau"); Liberty Cable Co., Inc. a/k/a Bartholdi Cable Co., Inc. ("Liberty"); Time Warner Cable of New York City and Paragon Cable Manhattan ("Time Warner"); and Cablevision of New York City-Phase I and Cablevision of Hudson County, Inc. ("Cablevision") (collectively, the "Parties").

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1. The Parties have agreed to the following tentative schedule for depositions and discovery:

a. March 26 - Limited interrogatories, if authorized by the Presiding Judge, to be served on Liberty which seek to identify any individuals who may have knowledge of relevant facts. To the extent feasible, the Bureau, Time Warner and Cablevision will jointly submit such interrogatories. The Parties have agreed to join in a request to the Presiding Judge for permission to serve limited interrogatories on Liberty. Liberty's limited interrogatories, if authorized by the Presiding Judge, will be served on opposing parties by April 3.

b. April 1 - Document production requests to be served to the extent permitted by the Commission's Rules, including, without limitation, Section 1.311(b)(3). Liberty's document production requests, to the extent permitted the Commission's Rules, including, without limitation, Section 1.311(b)(3), will be served by April 3.

c. April 10 - Responses to interrogatories to be served.

d. April 15 - Documents to be produced.

e. April 18 - Responses to Liberty's interrogatories (in accordance with (a) above) to be served.

f. April 19 - Documents to be produced in response to Liberty's document production request (in accordance with (b) above).

g. April 29 - Deposition notices to be served.

h. May 6 - Depositions may commence.

The Parties will endeavor to abide by the foregoing tentative schedule.

2. Upon completion of discovery, and prior to submission of written direct cases, the Parties shall endeavor to enter into a stipulation of undisputed facts.

3. Copies of documents filed by any party with (a) the FCC, (b) the U.S. District Court in Manhattan, (c) the U.S. Courts of Appeals for the Second and D.C. Circuits, and (d) the New York State Commission on Cable Television or its successor are admissible in this proceeding without authentication or certification from those tribunals, but are subject to any claim of privilege or evidentiary objection.

4. Without waiving any other objection to the taking of such deposition, and to the extent permitted by Section 1.311(b)(2) of the Commission's Rules, the Parties agree to make their current employees, officers, directors or agents available for deposition upon proper notice to the deponent, without requiring the deponent to be served with a subpoena to compel his or her attendance. The Parties reserve the right to utilize subpoenas where necessary.

5. To the extent permitted by Section 1.311(b)(2) of the Commission's Rules, deposition notices directed to any current employee, officer, director or agent of any Party may be served upon counsel to that Party in lieu of personal service.

6. The Parties stipulate to 7 days advance notice for depositions in lieu of the 21 days as provided for in Sec. 1.315(a) of the Commission's Rules. The Parties recognize that not all depositions are likely to be conducted on May 6th and have attempted to provide a three-week period to allow mutually agreeable scheduling of depositions and an opportunity for adjudication of any objections.

7. Any pleadings or other filings shall be served so as to be delivered on all Parties by the established due date, whether by hand delivery, overnight delivery, or by facsimile, any such facsimile to be followed with a hard copy by regular mail. Documents shall be deemed to have been produced on the day they arrive at the offices of counsel for the receiving Party(s).

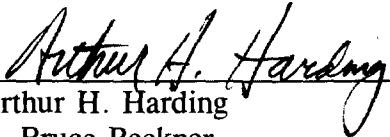
8. The Bureau, Time Warner and Cablevision have requested Liberty to make deponents available for depositions in Washington, D.C. Liberty is taking this matter under advisement.

9. The Parties have agreed that, to the extent desired by the Presiding Judge, testimonial evidence sponsored by any Party will be presented by written statements, signed under oath, with witnesses made available for cross-examination at the hearing. All written direct case exhibits will be exchanged on June 4.

The Parties have authorized the undersigned to submit this joint report. Counsel to Time Warner understands that any Party may comment on this joint report to the Presiding Judge at the Prehearing Conference.

Respectfully submitted,

**TIME WARNER CABLE OF NEW
YORK CITY and PARAGON
CABLE MANHATTAN**


Arthur H. Harding
R. Bruce Beckner
Christopher G. Wood

Fleischman and Walsh, L.L.P.
1400 Sixteenth Street, N.W.
Suite 600
Washington, D.C. 20036
(202) 939-7900

Dated: March 25, 1996

CERTIFICATE OF SERVICE

I, Kelley Auerbach, a secretary at the law firm of Fleischman and Walsh, L.L.P., hereby certify that a copy of the foregoing "Joint Report Pursuant To Prehearing Conference Order" was hand-served this 25th day of March, 1996, upon the following:

Administrative Law Judge
Richard L. Sippel
Federal Communications Commission
2000 L Street, N.W.
Room 220
Washington, D.C. 20554

Mark L. Keam, Esq.
Katherine C. Power, Esq.
Gary P. Schonman, Esq.
Joseph P. Weber, Esq.
Enforcement Division
Wireless Telecommunications Bureau
Federal Communications Commission
2025 M Street, N.W., 8th Floor
Washington, D.C. 20554

*Robert L. Begleiter, Esq.
Eliot Spitzer, Esq.
Constantine & Partners
909 Third Avenue
New York, NY 10036
Counsel for Liberty Cable Co., Inc.

Robert L. Pettit, Esq.
Michael K. Baker, Esq.
Bryan N. Tramont, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006
Counsel for Liberty Cable Co., Inc.

Christopher J. Harvie, Esq.
James A. Kirkland, Esq.
Christopher A. Holt, Esq.
Mintz Levin Cohn Ferris
Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Counsel for Cablevision of New York
City-Phase I and Cablevision of Hudson
County, Inc.


Kelley Auerbach